

Senate File 533

S-3309

1 Amend Senate File 533 as follows:

2 1. Page 17, line 8, after <injury.> by inserting
3 <Notwithstanding section 8.33, moneys appropriated in
4 this section that remain unencumbered or unobligated
5 at the close of the fiscal year shall not revert but
6 shall remain available for expenditure for the purposes
7 designated until the close of the succeeding fiscal
8 year.>

9 2. Page 29, by striking lines 3 through 8.

10 3. Page 33, after line 17 by inserting:

11 <DIVISION

12 SCHOOL EMPLOYEE MISCONDUCT

13 Sec. _____. Section 272.2, subsection 1, paragraph
14 b, Code 2011, is amended by striking the paragraph and
15 inserting in lieu thereof the following:

16 b. Provide annually to any person who holds a
17 license, certificate, authorization, or statement of
18 recognition issued by the board, training relating
19 to the knowledge and understanding of the board's
20 code of professional conduct and ethics. The board
21 shall develop a curriculum that addresses the code of
22 professional conduct and ethics and shall annually
23 provide regional training opportunities throughout the
24 state.

25 Sec. _____. Section 272.15, subsection 1, Code 2011,
26 is amended to read as follows:

27 1. a. The board of directors of a school district
28 or area education agency, the superintendent of a
29 school district or the chief administrator of an
30 area education agency, and the authorities in charge
31 of a nonpublic school shall report to the board the
32 nonrenewal or termination, for reasons of alleged or
33 actual misconduct, of a person's contract executed
34 under sections 279.12, 279.13, 279.15 through 279.21,
35 279.23, and 279.24, and the resignation of a person
36 who holds a license, certificate, or authorization
37 issued by the board as a result of or following an
38 incident or allegation of misconduct that, if proven,
39 would constitute a violation of the rules adopted by
40 the board to implement section 272.2, subsection 14,
41 paragraph "b", subparagraph (1), when the board or
42 reporting official has a good faith belief that the
43 incident occurred or the allegation is true. The
44 board may deny a license or revoke the license of an
45 administrator if the board finds by a preponderance
46 of the evidence that the administrator failed to
47 report the termination or resignation of a school
48 employee holding a license, certificate, statement of
49 professional recognition, or coaching authorization,
50 for reasons of alleged or actual misconduct, as defined

1 by this section.

2 b. Information reported to the board in accordance
3 with this section is privileged and confidential, and
4 except as provided in section 272.13, is not subject to
5 discovery, subpoena, or other means of legal compulsion
6 for its release to a person other than the respondent
7 and the board and its employees and agents involved in
8 licensee discipline, and is not admissible in evidence
9 in a judicial or administrative proceeding other
10 than the proceeding involving licensee discipline.
11 The board shall review the information reported to
12 determine whether a complaint should be initiated. In
13 making that determination, the board shall consider the
14 factors enumerated in section 272.2, subsection 14,
15 paragraph "a".

16 c. For purposes of this section, unless the context
17 otherwise requires, "misconduct" means an action
18 disqualifying an applicant for a license or causing
19 the license of a person to be revoked or suspended
20 in accordance with the rules adopted by the board to
21 implement section 272.2, subsection 14, paragraph "b",
22 subparagraph (1).

23 Sec. _____. Section 280.17, Code 2011, is amended to
24 read as follows:

25 **280.17 Procedures for handling child abuse reports.**

26 1. The board of directors of a ~~public~~ school
27 ~~district~~ and the authorities in ~~control~~ charge of
28 a nonpublic school shall prescribe procedures, in
29 accordance with the guidelines contained in the model
30 policy developed by the department of education in
31 consultation with the department of human services,
32 and adopted by the department of education pursuant
33 to chapter 17A, for the handling of reports of child
34 abuse, as defined in section 232.68, subsection 2,
35 paragraph "a", "c", or "e", alleged to have been
36 committed by an employee or agent of the public or
37 nonpublic school.

38 2. a. The board of directors of a school district
39 and the authorities in charge of an accredited
40 nonpublic school shall place on administrative leave a
41 school employee who is the subject of an investigation
42 of an alleged incident of abuse of a student conducted
43 in accordance with 281 IAC 102.

44 b. If the results of an investigation of abuse of
45 a student by a school employee who holds a license,
46 certificate, authorization, or statement of recognition
47 issued by the board of educational examiners finds
48 that the school employee's conduct constitutes a crime
49 under any other statute, the board or the authorities,
50 as appropriate, shall report the results of the

1 investigation to the board of educational examiners.
2 Sec. ____. Section 280.27, Code 2011, is amended to
3 read as follows:
4 **280.27 Reporting violence — immunity.**
5 An employee of a school district, an accredited
6 nonpublic school, or an area education agency who
7 participates in good faith and acts reasonably in
8 the making of a report to, or investigation by, an
9 appropriate person or agency regarding violence,
10 threats of violence, physical or sexual abuse of a
11 student, or other inappropriate activity against a
12 school employee or student in a school building, on
13 school grounds, or at a school-sponsored function shall
14 be immune from civil or criminal liability relating
15 to such action, as well as for participating in any
16 administrative or judicial proceeding resulting from or
17 relating to the report or investigation.>
18 4. By renumbering as necessary.

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